S.B. Civil Writ Petition No.4994/2006
Bashesar Vs. State of Rajasthan

Date:20/11/2006

HON'BLE Mr. JUSTICE ASHOK PARIHAR

Mr. Piyush Nag, for Petitioner.

BY THE COURT:

Proceedings under Section 91 of the Land Revenue Act were initiated against the petitioner. Apart from ordering removal of encroachment, the petitioner was also punished with sentence of one month's civil imprisonment by the Tehsildar, Chirawa vide order dated 19.6.2000. The above order came to be affirmed by the Revenue Appellate Authority vide order dated 10.7.2002 as also Board of Revenue vide order dated 30.3.2005.

Learned counsel for the petitioner submits that encroachment from the government land has already been removed and the petitioner now cannot be held as trespasser. An undertaking and unconditional apology has also been tendered by the petitioner before this court in the present matter. Considering the undertaking and unconditional apology, in the facts and circumstances as also in the interest of justice, while giving strict warning to the petitioner for not encroaching upon the government land in future, the punishment of civil imprisonment is waived.

With the above direction, the orders passed by the authorities below stand modified. The writ petition is disposed of accordingly.

(Ashok Parihar) J.